

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

**WILLIE VEASY,**

**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA, et al.,  
Defendants.**

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Civil Action  
No. 20-5107**

**DEFENDANTS' ANSWER, WITH AFFIRMATIVE DEFENSES,  
TO PLAINTIFFS' COMPLAINT**

Defendants, the City of Philadelphia, Martin Devlin, Paul Worrell, Edward Rocks, Frank Jastrzembski and Manuel Santiago, ("Answering Defendants"), hereby file this Answer, with Affirmative Defenses, to Plaintiff's Complaint and avers as follows:

**ANSWER**

**PRELIMINARY STATEMENT**

1. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
2. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
3. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.

4. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.

#### **JURISDICTION**

5. Admitted.

#### **PARTIES**

6. Admitted, based on current information and belief.
7. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
8. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
9. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
10. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

#### **FACTUAL ALLEGATIONS**

11. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.

12. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
13. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
14. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
15. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
16. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
17. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
18. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.

19. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
20. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
21. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
22. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
23. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
24. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
25. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.

26. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
27. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
28. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
29. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
30. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
31. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
32. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.

33. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
34. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
35. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
36. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
37. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
38. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
39. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.

40. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
41. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
42. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
43. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
44. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
45. (a)-(h) After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied. Further, the allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
46. (a)-(e) After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied. Further, the allegations contained in this paragraph

constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

47. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
48. (a)-(c) The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
49. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
50. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
51. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
52. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
53. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

54. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
55. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
56. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
57. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
58. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
59. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
60. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

61. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
62. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
63. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
64. (a)-(e) The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
65. (a)-(k) The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

#### **CAUSES OF ACTION**

##### **COUNT I: 42 U.S.C. § 1983 Deprivation of Liberty without Due Process of Law and Denial of a Fair Trial Under the Fourteenth Amendment *Against All Individual Defendants***

66. Answering Defendants incorporate by reference, their answers to paragraphs 1 through 65, inclusive, as though fully set forth herein.
67. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

68. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

69. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

**COUNT II: 42 U.S.C. § 1983 Malicious Prosecution in Violation of the  
Fourth and Fourteenth Amendments  
*Against All Individual Defendants***

70. Answering Defendants incorporate by reference, their answers to paragraphs 1 through 69, inclusive, as though fully set forth herein.

71. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

72. Answering Defendants incorporate by reference, their answers to paragraphs 1 through 33, inclusive, as though fully set forth herein.

73. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

74. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

75. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

**COUNT III: 42 U.S.C. § 1983 Civil Rights Conspiracy**  
***Against All Individual Defendants***

76. Answering Defendants incorporate by reference, their answers to paragraphs 1 through 75, inclusive, as though fully set forth herein.
77. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
78. (a)-(b) The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
79. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

**COUNT IV: 42 U.S.C. § 1983 Failure to Intervene**  
***Against All Individual Defendants***

80. Answering Defendants incorporate by reference, their answers to paragraphs 1 through 79, inclusive, as though fully set forth herein.
81. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

82. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

83. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

**COUNT V: 42 U.S.C. § 1983 Supervisory Liability Claim**  
***Against Defendant Jastrzembski***

84. Answering Defendant Jastrzembski incorporates by reference, his answers to paragraphs 1 through 83, inclusive, as though fully set forth herein.

85. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

86. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

87. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

88. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

89. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

**COUNT VI: 42 U.S.C. § 1983 Municipal Liability Claim**  
***Against Defendant City of Philadelphia***

90. Answering Defendant the City of Philadelphia incorporates by reference, its answers to paragraphs 1 through 89, inclusive, as though fully set forth herein.
91. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
92. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
93. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
94. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

**COUNT VII: DAMAGES**  
***Against All Defendants***

95. Answering Defendants incorporate by reference, their answers to paragraphs 1 through 94, inclusive, as though fully set forth herein.

96. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

**COUNT VIII: PUNITIVE DAMAGES**  
***Against All Individual Defendants***

97. Answering Defendants incorporate by reference, their answers to paragraphs 1 through 96, inclusive, as though fully set forth herein.
98. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

**WHEREFORE**, the Answering Defendants denies that they are liable on the causes of action declared herein and demand judgment in their favor, plus interest and costs.

**JURY DEMAND**

Answering Defendants demand a jury trial in this action.

**AFFIRMATIVE DEFENSES**

1. It is averred that the Plaintiff has failed to state a claim against the Answering Defendants.
2. Plaintiff's claims are barred by the statute of limitations.
3. Plaintiff's claims are barred by issue preclusion.

4. The acts of the prosecutors and judges involved in plaintiff's criminal litigation were a superseding cause of the harm he suffered and thus preclude a finding of liability against the Answering Defendants.
5. Plaintiff's claims are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994).
6. Plaintiff's criminal charges were held over at a preliminary hearing, and the holding over of criminal charges is affirmative evidence of probable cause.
7. Defendants assert as an affirmative defense that Plaintiff was and is guilty of murdering John Lewis and shooting Efrain Gonzalez, and the Defendants reserve the right to prove his guilt by a preponderance of the evidence at the trial of this matter. *See Hector v. Watt*, 235 F.3d 154, 156 (3d Cir. 2000).
8. Defendants assert the defense of qualified immunity.
9. Defendants assert all immunity to which they may be entitled under the Political Subdivision Tort Claims Act, 42 Pa. C.S. § 8541 et seq.
10. Defendants assert all common law, statutory immunity and qualified immunity to which he may be entitled.
11. Plaintiff's injuries, sufferings and/or damages, if any, were caused by the conduct, negligence, recklessness, disregard, criminal and other behavior of another/others, over whom Defendants have no control and/or right of control, and not in any way by the conduct of the Defendants.
12. Plaintiff's injuries, sufferings and/or damages, if any, were caused by his own conduct, negligence, recklessness, disregard, criminal and other behavior, and not in any way by the conduct of the Defendant.

13. No acts, actions or omissions of Defendants were the proximate cause or illegal cause of any damage allegedly sustained by the Plaintiff and this constitutes a complete defense to the within cause of action.
14. To the extent the criminal actions of Plaintiff bar his claims, Defendants claims same as a defense.
15. To the extent Plaintiff's claims are barred by any judicial determination of any state or federal court, Defendant claims same as defense.
16. Plaintiff's injuries and/or damages as alleged were not caused in any manner by the acts or inaction of the Defendant.
17. Plaintiff's injuries and/or damages as alleged were caused by his own criminal acts or omissions, or the criminal acts or omissions of others.
18. At all times through the criminal trial of Plaintiff, probable cause existed for his arrest.

**WHEREFORE**, Answering Defendants deny that they are liable to Plaintiff, either jointly or severally and demand judgment in their favor, together with reasonable attorney's fees and the costs of defending this action.

Date: December 15, 2020

Respectfully submitted,

/s/ Shannon Zabel

Shannon Zabel  
Assistant City Solicitor  
Attorney Identification No. 321222  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
(215) 683-5114  
shannon.zabel@phila.gov

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

**WILLIE VEASY,**

**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA, et al.,**

**Defendants.**

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Civil Action  
No. 20-5107**

**CERTIFICATE OF SERVICE**

I hereby certify that on the date below, Defendants' Answer, with Affirmative Defenses, to Plaintiff's Complaint was filed via the Court's electronic filing system and is available for downloading by all parties of record.

Date: December 15, 2020

Respectfully submitted,

/s/ Shannon Zabel

Shannon Zabel  
Assistant City Solicitor  
Attorney Identification No. 321222  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
(215) 683-5114  
shannon.zabel@phila.gov